

**REMARKS**

Favorable consideration and allowance of the claims of the present application are respectfully requested.

As a preliminary matter, Examiner Erdem is respectfully thanked for clarifying the issues related to the species restriction in a teleconference with the undersigned on December 3, 2004. In the conference, it was clarified for the undersigned that Group III restricted Claims 24-30 are currently subject to species restriction as indicated by Examiner Erdem in the Restriction Requirement. As these claims are not being elected for continued prosecution, election of species requirement is obviated.

In the present Office Action, the Examiner alleges that the application contains claims directed to the following patentably distinct species:

- I. Claims 1-12, drawn to semiconductor device, classified in class 257, subclass 536.
- II. Claims 13-23 drawn to method of making semiconductor device, classified in class 438, subclass 238.
- III. Claims 24-30, drawing to computer aided tool and method, classified in class 716, subclass 238.

As indicated, and in order to be fully responsive to the restriction requirement imposed in the present Official Action, applicants provisionally elect, without traverse, to prosecute Group I, Claims 1-12 directed to a semiconductor device. Applicants hereby reserve their right to file one or more divisional patent applications directed to subject matter set forth in remaining unelected Claims 13-30.

Wherefore, consideration and allowance of the claims of the present application are respectfully requested.

Respectfully submitted,



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